

# Union Calendar No. 108

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2188

[Report No. 111–201]

To authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Mr. KRATOVIL (for himself, Mr. KIND, Mr. BROWN of South Carolina, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Natural Resources

JULY 10, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 30, 2009]

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## A BILL

To authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLES.**

4       *This Act may be cited as the “Joint Ventures for Bird*  
5       *Habitat Conservation Act of 2009”.*

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) *FINDINGS.*—*Congress finds that—*

8               (1) *migratory birds are of great ecological and*  
9               *economic value to the Nation, contributing to biologi-*  
10              *cal diversity, advancing the well-being of human com-*  
11              *munities through pollination, seed dispersal, and*  
12              *other ecosystem services, and bringing tremendous en-*  
13              *joyment to the tens of millions of Americans who*  
14              *study, watch, feed, or hunt these birds;*

15             (2) *sustainable populations of migratory birds*  
16             *depend on the conservation, protection, restoration,*  
17             *and enhancement of terrestrial, wetland, marine, and*  
18             *other aquatic habitats throughout their ranges in the*  
19             *United States, as well as the rest of North America,*  
20             *the Caribbean, and Central and South America;*

21             (3) *birds are good indicators of environmental*  
22             *health and provide early warning of the impacts of*  
23             *environmental change, helping to yield the most out*  
24             *of every dollar invested in conservation;*

1           (4) *human and environmental stressors are caus-*  
2           *ing the decline of populations of many migratory bird*  
3           *species, many of them once common, and climate*  
4           *change will exacerbate the impacts of these stressors*  
5           *on migratory bird populations;*

6           (5) *the coordination of Federal, State, tribal,*  
7           *and local government natural resource conservation*  
8           *efforts and the formation of partnerships that include*  
9           *a diversity of nongovernmental conservation organi-*  
10          *zations, private landowners, and other relevant stake-*  
11          *holders is necessary to accomplish the conservation of*  
12          *migratory bird populations, their habitats, and the*  
13          *ecosystem functions they rely on;*

14          (6) *hunters, through their purchase of Federal*  
15          *migratory bird hunting stamps and State hunting li-*  
16          *censes, have long supported the conservation of migra-*  
17          *tory birds and their habitats in the United States*  
18          *through the various State and Federal programs that*  
19          *are supported by the fees charged for such purchases;*

20          (7) *the Department of the Interior, through the*  
21          *United States Fish and Wildlife Service, is authorized*  
22          *under a number of broad statutes to undertake many*  
23          *activities with partners to conserve natural resources,*  
24          *including migratory birds and their habitat;*

1           (8) *through these authorities, the Service has cre-*  
2           *ated and supported a number of joint ventures with*  
3           *diverse partners to help protect, manage, enhance,*  
4           *and restore migratory bird habitat throughout much*  
5           *of the United States and to conserve migratory bird*  
6           *species;*

7           (9) *the North American Waterfowl Management*  
8           *Plan, adopted by the United States and Canada in*  
9           *1986, with Mexico joining as a signatory in 1994,*  
10          *was the first truly landscape-level approach to con-*  
11          *serving migratory game birds and the wetland habi-*  
12          *tats on which they depend, and became the foundation*  
13          *for the voluntary formation of Joint Ventures;*

14          (10) *since the adoption of the North American*  
15          *Waterfowl Management Plan, joint ventures have ex-*  
16          *panded their application to all native birds and other*  
17          *wildlife species that depend on wetlands and associ-*  
18          *ated upland habitats, resulting in significant con-*  
19          *servation benefits over the last twenty years;*

20          (11) *States possess broad trustee and manage-*  
21          *ment authority over fish and wildlife resources within*  
22          *their borders, and have utilized their authorities to*  
23          *undertake conservation programs to conserve resident*  
24          *and migratory birds and their habitats;*

1           (12) *consistent with applicable Federal and*  
2           *State laws, the Federal Government and the States*  
3           *each have management responsibilities affecting fish*  
4           *and wildlife resources, and should work cooperatively*  
5           *in fulfilling these responsibilities;*

6           (13) *other domestic and international conserva-*  
7           *tion projects authorized under the Neotropical Migra-*  
8           *tory Bird Conservation Act (16 U.S.C. 6101 et seq.)*  
9           *and the North American Wetlands Conservation Act*  
10          *(16 U.S.C. 4401 et seq.), and additional bird con-*  
11          *servation projects authorized under other Federal au-*  
12          *thorities, can expand and increase the effectiveness of*  
13          *the joint ventures in protecting and enhancing migra-*  
14          *tory bird habitats throughout the different ranges of*  
15          *species native to the United States; and*

16          (14) *the voluntary partnerships fostered by these*  
17          *joint ventures have served as innovative models for co-*  
18          *operative and effective landscape conservation, with*  
19          *far-reaching benefits to other fish and wildlife popu-*  
20          *lations, and similar joint ventures should be author-*  
21          *ized specifically to reinforce the importance and mul-*  
22          *tiple benefits of these models to encourage adaptive re-*  
23          *source management and the implementation of flexi-*  
24          *ble conservation strategies in the 21st century.*

1       (b) *PURPOSE.*—*The purpose of this Act is to establish*  
2 *a program administered by the Director, in coordination*  
3 *with other Federal agencies with management authority*  
4 *over fish and wildlife resources and the States, to develop,*  
5 *implement, and support innovative, voluntary, cooperative,*  
6 *and effective conservation strategies and conservation ac-*  
7 *tions to—*

8           (1) *promote, primarily, sustainable populations*  
9 *of migratory birds, and, secondarily, the fish and*  
10 *wildlife species associated with their habitats;*

11          (2) *encourage stakeholder and government part-*  
12 *nerships consistent with the goals of protecting, im-*  
13 *proving, and restoring habitat;*

14          (3) *establish, implement, and improve science-*  
15 *based migratory bird conservation plans and promote*  
16 *and facilitate broader landscape-level conservation of*  
17 *fish and wildlife habitat; and*

18          (4) *coordinate related conservation activities of*  
19 *the Service and other Federal agencies to maximize*  
20 *the efficient and effective use of funds appropriated or*  
21 *otherwise made available to support projects and ac-*  
22 *tivities to enhance bird populations and other popu-*  
23 *lations of fish and wildlife and their habitats.*

24 **SEC. 3. DEFINITIONS.**

25       *In this Act:*

1           (1) *CONSERVATION ACTION*.—The term “con-  
2       *servation action*” means activities that—

3           (A) *support the protection, restoration,*  
4       *adaptive management, conservation, or enhance-*  
5       *ment of migratory bird populations, their terres-*  
6       *trial, wetland, marine, or other habitats, and*  
7       *other wildlife species supported by those habitats,*  
8       *including—*

9           (i) *biological and geospatial planning;*

10          (ii) *landscape and conservation design;*

11          (iii) *habitat protection, enhancement,*  
12       *and restoration;*

13          (iv) *monitoring and tracking;*

14          (v) *applied research; and*

15          (vi) *public outreach and education;*

16       (B) *are conducted on lands or waters that—*

17           (i) *are administered for the long-term*  
18       *conservation of such lands or waters and*  
19       *the migratory birds thereon, including the*  
20       *marine environment; or*

21           (ii) *are not primarily held or managed*  
22       *for conservation but provide habitat value*  
23       *for migratory birds; and*

24       (C) *incorporate adaptive management and*  
25       *science-based monitoring, where applicable, to*

1           *improve outcomes and ensure efficient and effec-*  
 2           *tive use of Federal funds.*

3           (2) *DIRECTOR.*—*The term “Director” means the*  
 4           *Director of the United States Fish and Wildlife Serv-*  
 5           *ice.*

6           (3) *IMPLEMENTATION PLAN.*—*The term “Imple-*  
 7           *mentation Plan” means an Implementation Plan ap-*  
 8           *proved by the Director under section 5.*

9           (4) *INDIAN TRIBE.*—*The term “Indian tribe” has*  
 10          *the meaning given that term in section 4 of the In-*  
 11          *Indian Self-Determination and Education Assistance*  
 12          *Act (25 U.S.C. 450b).*

13          (5) *JOINT VENTURE.*—*The term “Joint Venture”*  
 14          *means a self-directed, voluntary partnership, estab-*  
 15          *lished and conducted in accordance with section 5.*

16          (6) *MANAGEMENT BOARD.*—*The term “Manage-*  
 17          *ment Board” means a Joint Venture Management*  
 18          *Board established in accordance with section 5.*

19          (7) *MIGRATORY BIRDS.*—*The term “migratory*  
 20          *birds” means those species included in the list of mi-*  
 21          *gratory birds that appears in section 10.13 of title 50,*  
 22          *Code of Federal Regulations, under the authority of*  
 23          *the Migratory Bird Treaty Act.*

1           (8) *PROGRAM*.—*The term “Program” means the*  
 2           *Joint Ventures Program conducted in accordance*  
 3           *with this Act.*

4           (9) *SECRETARY*.—*The term “Secretary” means*  
 5           *the Secretary of the Interior.*

6           (10) *SERVICE*.—*The term “Service” means the*  
 7           *United States Fish and Wildlife Service.*

8           (11) *STATE*.—*The term “State” means—*

9                   (A) *any State of the United States, the Dis-*  
 10                  *trict of Columbia, the Commonwealth of Puerto*  
 11                  *Rico, Guam, the Virgin Islands, American*  
 12                  *Samoa, and the Commonwealth of the Northern*  
 13                  *Mariana Islands; and*

14                   (B) *one or more agencies of a State govern-*  
 15                  *ment responsible under State law for managing*  
 16                  *fish or wildlife resources.*

17 **SEC. 4. JOINT VENTURES PROGRAM.**

18           (a) *IN GENERAL*.—*The Secretary shall conduct,*  
 19           *through the United States Fish and Wildlife Service, a*  
 20           *Joint Ventures Program administered by the Director. The*  
 21           *Director, through the Program, shall develop an adminis-*  
 22           *trative framework for the approval and establishment and*  
 23           *implementation of Joint Ventures, that—*

1           (1) *provides financial and technical assistance to*  
2           *support regional migratory bird conservation part-*  
3           *nerships;*

4           (2) *develops and implements plans to protect*  
5           *and enhance migratory bird populations throughout*  
6           *their range, that are focused on regional landscapes*  
7           *and habitats that support those populations;*

8           (3) *complements and supports activities by the*  
9           *Secretary and the Director to fulfill obligations*  
10          *under—*

11                 (A) *the Migratory Bird Treaty Act (16*  
12                 *U.S.C. 701 et seq.);*

13                 (B) *the Migratory Bird Conservation Act*  
14                 *(16 U.S.C. 715 et seq.);*

15                 (C) *the Neotropical Migratory Bird Con-*  
16                 *servation Act (16 U.S.C. 6101 et seq.);*

17                 (D) *the North American Wetlands Con-*  
18                 *servation Act (16 U.S.C. 4401 et seq.);*

19                 (E) *the Fish and Wildlife Conservation Act*  
20                 *of 1980 (16 U.S.C. 2901 et seq.); and*

21                 (F) *the Partners for Fish and Wildlife Act*  
22                 *(16 U.S.C. 3771 et seq.); and*

23           (4) *support the goals and objectives of—*

24                 (A) *the North American Waterfowl Manage-*  
25                 *ment Plan;*

1                   (B) the United States Shorebird Conserva-  
2                   tion Plan;

3                   (C) the North American Waterbird Con-  
4                   servation Plan;

5                   (D) the Partners in Flight North American  
6                   Landbird Conservation Plan; and

7                   (E) other treaties, conventions, agreements,  
8                   or strategies entered into by the United States  
9                   and implemented by the Secretary that promote  
10                  the conservation of migratory bird populations  
11                  and their habitats.

12           (b) *GUIDELINES*.—Within 180 days after the date of  
13           enactment of this Act the Secretary, through the Director,  
14           shall publish in the Federal Register guidelines for the im-  
15           plementation of this Act, including regarding requirements  
16           for approval of proposed Joint Ventures and administra-  
17           tion, oversight, coordination among, and evaluation of ap-  
18           proved Joint Ventures.

19           (c) *COORDINATION WITH STATES*.—In the adminis-  
20           tration of the program authorized under this section, the  
21           Director shall coordinate and cooperate with the States to  
22           fulfill the purposes of this Act.

23   **SEC. 5. JOINT VENTURE ESTABLISHMENT AND ADMINIS-**  
24                   **TRATION.**

25           (a) *ESTABLISHMENT*.—

1           (1) *IN GENERAL.*—*The Director, through the*  
2           *Program, may enter into an agreement with eligible*  
3           *partners described in paragraph (2) to establish a*  
4           *Joint Venture to fulfill one or more of the purposes*  
5           *set forth in paragraphs (1) through (3) of section*  
6           *2(b).*

7           (2) *ELIGIBLE PARTNERS.*—*The eligible partners*  
8           *referred to in paragraph (1) are the following:*

9                   (A) *Federal and State agencies with juris-*  
10                  *isdiction over migratory bird resources, their habi-*  
11                  *tats, or that implement program activities that*  
12                  *affect migratory bird habitats or the ecosystems*  
13                  *they rely on.*

14                  (B) *Affected regional, local, and tribal gov-*  
15                  *ernments, private landowners, land managers,*  
16                  *and other private stakeholders.*

17                  (C) *Nongovernmental organizations with ex-*  
18                  *pertise in bird conservation or fish and wildlife*  
19                  *conservation or natural resource and landscape*  
20                  *management generally.*

21                  (D) *Other relevant stakeholders.*

22           (b) *MANAGEMENT BOARD.*—

23                  (1) *IN GENERAL.*—*An agreement under this sec-*  
24                  *tion for a Joint Venture shall establish a Management*  
25                  *Board in accordance with this subsection.*

1           (2) *MEMBERSHIP.*—*The Management Board*  
2           *shall include a diversity of members representing*  
3           *stakeholder interests from the appropriate geographic*  
4           *region, including, as appropriate, representatives*  
5           *from the Service and other Federal agencies that have*  
6           *management authority over fish and wildlife re-*  
7           *sources on public lands or in the marine environ-*  
8           *ment, or that implement programs that affect migra-*  
9           *tory bird habitats, and representatives from the*  
10          *States, and may include—*

11                   (A) *regional governments and Indian tribes;*

12                   (B) *academia or the scientific community;*

13                   (C) *nongovernmental landowners or land*  
14                   *managers;*

15                   (D) *nonprofit conservation or other relevant*  
16                   *organizations with expertise in migratory bird*  
17                   *conservation, or in fish and wildlife conservation*  
18                   *generally; and*

19                   (E) *private organizations with a dedicated*  
20                   *interest in conserving migratory birds and their*  
21                   *habitats.*

22          (3) *FUNCTIONS AND RESPONSIBILITIES.*—

23                   (A) *ORGANIZATION AND OPERATIONS*  
24                   *PLAN.*—*A Management Board, in accordance*  
25                   *with the guidelines published by the Director*

1        *under section 4 and in coordination with the Di-*  
2        *rector, shall develop, publish, and comply with a*  
3        *plan that specifies the organizational structure of*  
4        *the Joint Venture and prescribes its operational*  
5        *practices and procedures.*

6                *(B) ADMINISTRATION.—Subject to applica-*  
7        *ble Federal and State law, the Management*  
8        *Board shall manage the personnel and oper-*  
9        *ations of the Joint Venture, including—*

10                *(i) by appointing a coordinator for the*  
11        *Joint Venture in consultation with the Di-*  
12        *rector, to manage the daily and long-term*  
13        *operations of the Joint Venture;*

14                *(ii) approval of other full- or part-time*  
15        *administrative and technical non-Federal*  
16        *employees as the Management Board deter-*  
17        *mines necessary to perform the functions of*  
18        *the Joint Venture, meet objectives specified*  
19        *in the Implementation Plan, and fulfill the*  
20        *purpose of this Act; and*

21                *(iii) establishment of committees, steer-*  
22        *ing groups, focus groups, geographic or tax-*  
23        *onomic groups, or other organizational enti-*  
24        *ties to assist in implementing the relevant*  
25        *Implementation Plan.*

1           (4) *USE OF SERVICE AND FEDERAL AGENCY EM-*  
2           *PLOYEES.—Subject to the availability of appropri-*  
3           *ations and upon the request from a Management*  
4           *Board, and after consultation with and approval of*  
5           *the Director, the head of any Federal agency may de-*  
6           *tail to the Management Board, on a reimbursable or*  
7           *nonreimbursable basis, any agency personnel to assist*  
8           *the Joint Venture in performing its functions under*  
9           *this Act.*

10          (c) *IMPLEMENTATION PLAN.—*

11               (1) *SUBMISSION OF PLAN TO DIRECTOR.—Before*  
12               *the Director enters into an agreement to establish a*  
13               *Joint Venture under subsection (a), the Management*  
14               *Board for the Joint Venture shall submit to the Direc-*  
15               *tor a proposed Implementation Plan that shall con-*  
16               *tain, at a minimum, the following elements:*

17                       (A) *A strategic framework for migratory*  
18                       *bird conservation that includes biological plan-*  
19                       *ning; conservation design; habitat restoration,*  
20                       *protection, and enhancement; applied research;*  
21                       *and monitoring and evaluation activities.*

22                       (B) *Provisions for effective communication*  
23                       *among member participants within the Joint*  
24                       *Venture.*

1           (C) *A long-term strategy to conduct public*  
2           *outreach and education regarding the purposes*  
3           *and activities of the Joint Venture and activities*  
4           *to regularly communicate to the general public*  
5           *information generated by the Joint Venture.*

6           (D) *Coordination with laws and conserva-*  
7           *tion plans referred to in section 4(a)(3) and (4)*  
8           *that are relevant to migratory birds, and other*  
9           *relevant regional, national, or international ini-*  
10          *tiatives identified by the Director to conserve mi-*  
11          *gratory birds, their habitats, ecological functions,*  
12          *and associated populations of fish and wildlife.*

13          (E) *An organizational plan that—*

14               (i) *identifies the initial membership of*  
15               *the Management Board and establishes pro-*  
16               *cedures for updating the membership of the*  
17               *Management Board as appropriate;*

18               (ii) *describes the organizational struc-*  
19               *ture of the Joint Venture, including pro-*  
20               *posed committees and subcommittees, and*  
21               *procedures for revising and updating the*  
22               *structure, as necessary; and*

23               (iii) *provides a strategy to increase*  
24               *stakeholder participation or membership in*  
25               *the Joint Venture.*

1           (F) *Procedures to coordinate the develop-*  
2           *ment, implementation, oversight, monitoring,*  
3           *tracking, and reporting of conservation actions*  
4           *approved by the Management Board and an*  
5           *evaluation process to determine overall effective-*  
6           *ness of activities undertaken by the Joint Ven-*  
7           *ture.*

8           (G) *A strategy to encourage the contribution*  
9           *of non-Federal financial resources, donations,*  
10          *gifts and in-kind contributions to support the ob-*  
11          *jectives of the Joint Venture and fulfillment of*  
12          *the Implementation Plan.*

13       (2) *REVIEW.—The Director shall—*

14           (A) *coordinate the review of a proposed Im-*  
15           *plementation Plan submitted under this section;*  
16           *and*

17           (B) *ensure that such plan is circulated for*  
18           *review for a period not to exceed 90 days, to—*

19                   (i) *bureaus within the Service and*  
20                   *other appropriate bureaus or agencies with-*  
21                   *in the Department of the Interior;*

22                   (ii) *appropriate regional migratory*  
23                   *bird Flyway Councils;*

1                   (iii) national and international boards  
2                   that oversee bird conservation initiatives  
3                   under the plans specified in section 4(a)(4);

4                   (iv) relevant State agencies, regional  
5                   governmental entities, and Indian tribes;

6                   (v) nongovernmental conservation or-  
7                   ganizations, academic institutions, or other  
8                   stakeholders engaged in existing Joint Ven-  
9                   tures that have knowledge or expertise of the  
10                  geographic or ecological scope of the Joint  
11                  Venture; and

12                  (vi) other relevant stakeholders consid-  
13                  ered necessary by the Director to ensure a  
14                  comprehensive review of the proposed Imple-  
15                  mentation Plan.

16               (3) *APPROVAL.*—The Director shall approve an  
17               Implementation Plan submitted by the Management  
18               Board for a Joint Venture if the Director finds that—

19                   (A) the plan provides for implementation of  
20                   conservation actions to conserve waterfowl and  
21                   other native migratory birds and their habitats  
22                   and ecosystems either—

23                   (i) in a specific geographic area of the  
24                   United States; or

1                   (ii) across the range of a specific spe-  
2                   cies or similar group of like species;

3                   (B) the members of the Joint Venture—

4                   (i) accept the responsibility for imple-  
5                   mentation of national or international bird  
6                   conservation plans in the region of the  
7                   United States to which the plan applies;  
8                   and

9                   (ii) have demonstrated to the satisfac-  
10                  tion of the Director the capacity to imple-  
11                  ment conservation actions identified in the  
12                  plan, including (I) the design, funding,  
13                  monitoring, and tracking of conservation  
14                  projects that advance the objectives of the  
15                  Joint Venture; and (II) reporting and con-  
16                  duct of public outreach regarding such  
17                  projects; and

18                  (C) the plan maximizes, to the extent prac-  
19                  ticable, coordination with other relevant and ac-  
20                  tive conservation plans or programs within the  
21                  geographic scope of the Joint Venture to conserve,  
22                  protect, recover, or restore migratory bird habi-  
23                  tats and other fish and wildlife habitat within  
24                  the operating region of the Joint Venture.

1 **SEC. 6. GRANTS AND OTHER ASSISTANCE.**

2 (a) *IN GENERAL.*—*Except as provided in subsection*  
 3 *(b), and subject to the availability of appropriations, the*  
 4 *Director may award grants of financial assistance to imple-*  
 5 *ment a Joint Venture through—*

6 (1) *support of the activities of the Management*  
 7 *Board of the Joint Venture and to pay for necessary*  
 8 *administrative costs and services, personnel, and*  
 9 *meetings, travel, and other business activities; and*

10 (2) *support for specific conservation actions and*  
 11 *other activities necessary to carry out the Implemen-*  
 12 *tation Plan.*

13 (b) *LIMITATION.*—*A Joint Venture is not eligible for*  
 14 *assistance or support authorized in this section unless the*  
 15 *Joint Venture is operating under an Implementation Plan*  
 16 *approved by the Director under section 5.*

17 (c) *CONSERVATION ACTION GRANT CRITERIA.*—*The*  
 18 *Secretary, through the Director, within 180 days after date*  
 19 *of enactment of this Act and after consultation with rep-*  
 20 *resentatives from Management Boards and equivalent enti-*  
 21 *ties of joint ventures referred to in section 8, shall publish*  
 22 *guidelines for determining funding allocations among joint*  
 23 *ventures and priorities for funding among conservation ac-*  
 24 *tion proposals to meet the purpose of this Act and respective*  
 25 *Implementation Plans.*

1       (d) *MATCHING REQUIREMENTS.*—If a Management  
 2 Board determines that two or more proposed conservation  
 3 actions are of equal value toward fulfillment of the relevant  
 4 Implementation Plan, priority shall be given to the action  
 5 or actions for which there exist non-Federal matching con-  
 6 tributions that are equal to or exceed the amount of Federal  
 7 funds available for such action or actions.

8       (e) *TECHNICAL ASSISTANCE.*—The Secretary, through  
 9 the Director, may provide technical and administrative as-  
 10 sistance for implementation of Joint Ventures and the ex-  
 11 penditure of financial assistance under this subsection.

12       (f) *ACCEPTANCE AND USE OF DONATIONS.*—The Sec-  
 13 retary, through the Director, may accept and use donations  
 14 of funds, gifts, and in-kind contributions to provide assist-  
 15 ance under this section.

16 **SEC. 7. REPORTING REQUIREMENTS.**

17       (a) *ANNUAL REPORTS BY MANAGEMENT BOARDS.*—

18               (1) *IN GENERAL.*—The Secretary, acting through  
 19 the Director, shall—

20                       (A) require each Management Board to sub-  
 21 mit annual reports for all approved Joint Ven-  
 22 tures of the Management Board; and

23                       (B) publish within 180 days after the date  
 24 of enactment of this Act guidelines to implement  
 25 this subsection.

1           (2) *CONTENTS.—Each annual report shall in-*  
2       *clude—*

3                   (A) *a description and justification of all*  
4       *conservation actions approved and implemented*  
5       *by the Management Board during the period cov-*  
6       *ered by the report;*

7                   (B) *when appropriate based upon the goals*  
8       *and objectives of an Implementation Plan, an es-*  
9       *timate of the total number of acres of migratory*  
10      *bird habitat either restored, protected, or en-*  
11      *hanced as a result of such conservation actions;*

12                  (C) *the amounts and sources of Federal and*  
13      *non-Federal funding for such conservation ac-*  
14      *tions;*

15                  (D) *the amounts and sources of funds ex-*  
16      *pended for administrative and other expenses of*  
17      *the Joint Venture of the Management Board, in-*  
18      *cluding all donations, gifts, and in-kind con-*  
19      *tributions provided for the Joint Venture;*

20                  (E) *the status of progress made in achieving*  
21      *the strategic framework of the Implementation*  
22      *Plan of such Joint Venture and fulfillment of the*  
23      *purpose of this Act; and*

24                  (F) *other elements considered necessary by*  
25      *the Director to insure transparency and account-*

1           *ability by Management Boards in the implemen-*  
2           *tation of its responsibilities under this Act.*

3       (b) *JOINT VENTURE PROGRAM FIVE-YEAR RE-*  
4 *VIEWS.—*

5           (1) *IN GENERAL.—The Secretary, acting through*  
6       *the Director, shall at five years after the date of en-*  
7       *actment of this Act and at five-year intervals there-*  
8       *after, complete an objective and comprehensive review*  
9       *and evaluation of the Program.*

10          (2) *REVIEW CONTENTS.—Each review under this*  
11       *subsection shall include—*

12               (A) *an evaluation of the effectiveness of the*  
13       *Program in meeting the purpose of this Act spec-*  
14       *ified in section 2(b);*

15               (B) *an evaluation of all approved Imple-*  
16       *mentation Plans, especially the effectiveness of*  
17       *existing conservation strategies, priorities, and*  
18       *methods to meet the objectives of such plans and*  
19       *fulfill the purpose of this Act; and*

20               (C) *recommendations to revise the Program*  
21       *or to amend or otherwise revise Implementation*  
22       *Plans to ensure that activities undertaken pursu-*  
23       *ant to this Act address the effects of climate*  
24       *change on migratory bird populations and their*

1           *habitats, and fish and wildlife habitats, in gen-*  
 2           *eral.*

3           (3) *CONSULTATION.—The Secretary, acting*  
 4           *through the Director, in the implementation of this*  
 5           *subsection—*

6                     *(A) shall consult with other appropriate*  
 7                     *Federal agencies with responsibility for the con-*  
 8                     *servation or management of fish and wildlife*  
 9                     *habitat and appropriate State agencies; and*

10                    *(B) may consult with appropriate, Indian*  
 11                    *tribes, Flyway Councils, or regional conservation*  
 12                    *organizations, public and private landowners,*  
 13                    *members of academia and the scientific commu-*  
 14                    *nity, and other nonprofit conservation or private*  
 15                    *stakeholders.*

16           (4) *PUBLIC COMMENT.—The Secretary, through*  
 17           *the Director, shall provide for adequate opportunities*  
 18           *for general public review and comment of the Pro-*  
 19           *gram as part of the five-year evaluations conducted*  
 20           *pursuant to this subsection.*

21 **SEC. 8. TREATMENT OF EXISTING JOINT VENTURES.**

22           *For purposes of this Act, the Director—*

23                     *(1) shall treat as a Joint Venture any joint ven-*  
 24                     *ture recognized by the Director before the date of the*  
 25                     *enactment of this Act in accordance with the United*

1       *States Fish and Wildlife Services manual (721FW6);*  
2       *and*

3               *(2) shall treat as an Implementation Plan an*  
4       *implementation plan adopted by the management*  
5       *board for such joint venture.*

6   **SEC. 9. RELATIONSHIP TO OTHER AUTHORITIES.**

7       *(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in*  
8       *this Act affects authorities, responsibilities, obligations, or*  
9       *powers of the Secretary under any other Act.*

10       *(b) STATE AUTHORITY.—Nothing in this Act preempts*  
11       *any provision or enforcement of a State statute or regula-*  
12       *tion relating to the management of fish and wildlife re-*  
13       *sources within such State.*

14   **SEC. 10. FEDERAL ADVISORY COMMITTEE ACT.**

15       *The Federal Advisory Committee Act (5 U.S.C. App.)*  
16       *shall not apply to any boards, committees, or other groups*  
17       *established under this Act.*

Union Calendar No. 108

11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2188**

[Report No. 111-201]

**A BILL**

To authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes.

JULY 10, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed